

REMARKS

Applicants have studied the Office Communication dated May 14, 2004, and have made amendments to the claims. Claims 20 and 21 have been canceled without prejudice. Claims 1, 9-11 and 22 have been amended. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Non-Statutory Double Patenting Rejection

Claims 1-19 and 26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,669,285. In response, Applicants file with this Amendment a terminal disclaimer in compliance with 37 CFR 1.321(c). Therefore, Applicants respectfully submit that the rejections based on non-statutory double patenting be withdrawn.

Rejection under 35 U.S.C. § 112

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner stated that claim 9 appears incomplete, as the last line does not end correctly. In response, claim 9 has been amended to complete the last line. In view of this Applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-5, 7 and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,406,334 to Chu ("Chu"). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

The claims of the present invention, as amended are, are distinguishable over Chu. Claim 1 has been amended to recite "a removable video display device cover, wherein said video display cover is hingedly mounted to the rearward structure of said headrest pillow." In contrast, Chu only describes a structure including a headrest pillow with a display device in an opening on its rear side, and cables extending through the hollow post of the headrest to connect the display device to a signal transmission line. Chu provides no disclosure for a removable video display cover. Accordingly, each and every element of the claimed invention is not present in Chu. Therefore it is respectfully submitted that the rejection under 35 U.S.C. § 102(e) in view of Chu be withdrawn as to claims 1-5, 7 and 12.

Rejection under 35 U.S.C. § 103

Claims 6, 8 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu. This rejection is respectfully traversed. Claims 6, 8 and 17-19 depend, either directly or indirectly, from independent claim 1. As amended, claim 1 recites "a removable video display device cover, wherein said video display cover is hingedly mounted to the rearward structure of said headrest pillow". Chu does not disclose or suggest this feature. Accordingly, one skilled in the art would not consider it a matter of design choice and obvious mechanical expediency to derive the invention claimed in dependent claims 6, 8 and 17-19 in view of Chu. Therefore, it is submitted that the rejection of the claims be withdrawn.

Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu in view of U.S. Patent No. 6,045,181 to Ikeda et al. This rejection is respectfully traversed. Claims 9-11 depend, either directly or indirectly, from independent claim 1. Amended claim 1 recites "a removable video display device cover, wherein said video display cover is hingedly mounted to the rearward structure of said headrest pillow". Neither Chu nor Ikeda et al. disclose or suggest this feature. Accordingly, it is respectfully submitted that the rejection of claims 9-11 in view of Chu and Ikeda et al. be withdrawn.

Claims 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu in view of U.S. Patent No. 5,507,556 to Dixon. This rejection is respectfully traversed. Claims 13-16 depend indirectly from independent claim 1. Amended claim 1 recites "a removable video display device cover, wherein said video display cover is hingedly mounted to the rearward

structure of said headrest pillow". Because neither Chu nor Dixon discloses or suggests this feature, it is respectfully submitted that the rejection of claims 13-16 be withdrawn.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu in view of U.S. Patent No. 5,556,224 to ul Azam et al. This rejection is respectfully traversed.

Claims 23-25 depend, either directly or indirectly, from independent claim 1. Because neither Chu nor ul Azam et al. discloses or suggests "a removable video display device cover, wherein said video display cover is hingedly mounted to the rearward structure of said headrest pillow," as recited by amended independent claim 1, it is respectfully submitted that the rejection of claims 23-25 be withdrawn.

Claims 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu in view of U.S. Patent No. Re. 33,423 to Lobanoff. Claims 20 and 21 have been canceled by this Amendment, thus, the rejection as to those claims is now moot. However, the limitations of original claims 20 and 21 have been incorporated into amended claim 1. Therefore, the rejection as to amended claims 1 and 22 is respectfully traversed. The Examiner stated that to have provided the video display of Chu with a hinged padded cover, for protection purposes, would have been an obvious modification to one with ordinary skill in the art, as such is shown to be old and well known in the art by Lobanoff.

Applicants contend that Chu and Lobanoff neither describe nor suggest the invention of amended claim 1, either alone or in combination. Claim 1, as amended, recites "a removable video display device cover, wherein said video display cover is hingedly mounted to the rearward structure of said headrest pillow". As described on page 11, line 27 to page 12, line 6 of the specification, the combination of the concealed monitor power and video input cable and the padded cover gives the headrest the appearance of an ordinary headrest. The cover conceals the monitor, which helps reduce the chances of headrest theft through auto burglary. In contrast, Chu does not disclose or suggest a video display device cover. Chu further does not teach giving the headrest disclosed therein the appearance of an ordinary headrest to help reduce the chance of theft. Lobanoff describes a vehicle seat assembly having a video display 435c with a hinged cover 416c (see Fig. 18 of Lobanoff). However, Lobanoff's video display is not mounted within the headrest pillow, as recited in amended claim 1. Rather, Lobanoff's video display is mounted at an upper portion of the backrest of the seat, as shown in Fig. 18 of Lobanoff. Furthermore, Lobanoff does not disclose or suggest giving the video display the appearance of an ordinary

headrest to help reduce the chance of theft. As seen from Figure 18, Lobanoff makes no attempt to hide the vehicle seat assembly. Despite having a cover, the video display is still subject to burglary because it is readily apparent that the vehicle seat assembly has been mounted onto the seat. Therefore, Applicants respectfully contend that the utilization of the hinged cover in Lobanoff is merely an aesthetic use and not for protection purposes, as stated by the Examiner. In view of this, Applicants submit that both the Chu and Lobanoff references do not teach or suggest giving a headrest mounted video display monitor the appearance of an ordinary headrest to help reduce headrest theft. Moreover, one skilled in the art would understand that the headrest mounted display of Chu and the backrest mounted display of Lobanoff are completely different structures and therefore would not have the motivation to modify the headrest mounted display of Chu with the hinged cover of Lobanoff to derive the present invention. Accordingly, it is submitted that claims 1 and 20 be allowed in view of Chu and Lobanoff.

CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.


No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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